



A35371-PCT-USA-A 073226.0124
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mahishi et al.
Serial No. : 10/717,381 Examiner : Pak, Yong D.
Filed : November 19, 2003 Group Art Unit: 1652
For : NOVEL ESCHERICHIA COLI HAVING ACCESSION NO PTA 1579
AND ITS USE TO PRODUCE POLYHYDROXYBUTYRATE

DECLARATION OF BIOLOGICAL DEPOSIT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

August 15, 2005
Date of Deposit

Van H. Nguyen
Attorney Name

Signature

56,571
PTO Registration No
August 15, 2005
Date of Signature

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.802 and the Manual of Patent Examination Procedure §2404.01,
Applicants submit herewith a copy of a Receipt in the Case of an Original Deposit Issued
Pursuant to Rule 7.3 and Viability Statement Issued Pursuant to Rule 10.2, issued by the ATCC
on April 25, 2000, for the deposit of a microorganism disclosed in the above-identified
application.

The microorganism deposited pursuant to the Budapest Treaty on March 28, 2000, *Escherichia coli* Sa240, has been assigned Patent Deposit Designation No. PTA-1579 by the ATCC, whose mailing address is 10801 University Blvd. Manassas, VA 20110-2209. The deposit was made by Dr. Shuban Kishen Rawal, one of the inventors of the above-identified application.

Escherichia coli Sa240 is *Escherichia coli* JM109 harboring pGEM-3Z plasmid vector wherein a 6.0Kb sa3AI genomic DNA fragment from *Streptomyces aurefaciens* (ATCC 10762) has been cloned. *Escherichia coli* Sa240 (Patent Deposit Designation No. PTA-1579) is known and will be readily available to the public once a patent on the invention issues.

To satisfy deposit requirements, any restrictions currently imposed by the depositor on the availability to the public of the deposited material may be removed upon grant of a U.S. patent or instruction to the ATCC by the United States Patent Office.

Submission of this letter and the accompanying certificate should not be construed as an admission by Applicants of Attorneys for Applicants that a biological deposit is necessary to satisfy the requirements of 35 U.S.C. §112.

Respectfully submitted,



Lisa B. Kole
PTO Reg. No. 35,225

Van H. Nguyen
PTO Reg. No. 56,571

Attorney for Applicants
BAKER BOTTS, L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2626